

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-40033-FDS

UNITED STATES OF AMERICA

v.

HERIBERTO ARROYO

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1--3, 6, 7, 16, 18-22, 30, 31, 33-35, 37, 39, 46, 47, 50, 52, 58, 59, 72, 73, 79, 80, 82, 84, 89, 93-96, 98, 99, 103, 104, 105, 119, 121, 124, 126-128, 130-142, 144, 174, 175, 177 & 178 are copies and can be destroyed after the appeal is complete. and contained in Volume(s) 1,2&3 are the filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/10/07

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 9/11/07

Sarah A Thornton, Clerk of Court

/s/ Sherry Jones

By: Sherry Jones

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-40033-FDS-4**

Case title: USA v. Vigliatura et al

Date Filed: 07/27/2005

Date Terminated: 09/10/2007

Assigned to: Judge F. Dennis Saylor, IV

Defendant

Heriberto Arroyo (4)

TERMINATED: 09/10/2007

represented by **Robert L. Sheketoff**

One McKinley Square

Boston, MA 02109

617-367-3449

Fax: 617-723-1710

Email: sheketoffr@aol.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

21:846 - Conspiracy to Distribute and to
Possess with Intent to Distribute GHB and
GBL

(1)

21:846 - Conspiracy to Possess Cocaine
and 3, 4
methylenedioxymethamphetamine/MDMA
(Ecstasy)

(2)

Disposition

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 9 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 1 year. The defendant shall pay to the United States a fine in the amount of \$2000.00 and a special assessment of \$50.00.

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 9 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 1 year. The defendant shall pay to the United States a fine in the amount of \$2000.00 and a special assessment of \$50.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None


Disposition

Plaintiff

USA

represented by **George W. Vien**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3236
 Fax: 617-748-3954
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harry Matz
 U.S. Department of Justice - NDDS
 1400 New York Avenue NW
 11th Floor
 Washington, DC 20005
 202-514-0948
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ATTORNEY TO BE NOTICED










Date Filed	#	Docket Text
07/27/2005	 1	MOTION to Seal Case as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Shattuck, Deborah) (Entered: 08/01/2005)

07/27/2005	<u>2</u>	SEALED INDICTMENT as to Thomas Vigliatura (1) count(s) 1, 2, 3, 4-5, 6, Matthew McLaughlin (2) count(s) 1, Brian Benedict (3) count(s) 1, 2, Heriberto Arroyo (4) count(s) 1, 2; CRIMINAL FORFEITURE. (Shattuck, Deborah) (Entered: 08/01/2005)
08/01/2005		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo (Shattuck, Deborah) (Entered: 08/01/2005)
08/25/2005	<u>3</u>	MOTION to Unseal Case as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo by USA. (Smith3, Dianne) (Entered: 08/25/2005)
08/25/2005		Judge Judith G. Dein : endorsement on motion ORDER entered granting <u>3</u> Motion to Unseal Case as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4) (Smith3, Dianne) (Entered: 08/25/2005)
08/25/2005		Motions terminated as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: <u>1</u> MOTION to Seal Case filed by USA., (Motion to unseal granted) (Smith3, Dianne) (Entered: 08/25/2005)
08/25/2005		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Thomas Vigliatura, Brian Benedict, Heriberto Arroyo held on 8/25/2005; AUSA Vien and Kelly; Attorney Fisher for dft. Benedict and Attorney Hrones(CJA Duty) for dft. Arroyo; Dft. Vigliatura will retain counsel; USMJ Dein informs the dfts. of their rights and charges; Govt. moves for detention and continuance on dft. Vigliatura; USMJ Dein orders dft. Vigliatura to temporary detention pending detention hearing on 8/30/05 @ 2:30pm. before USMJ Swartwood in Worcester. Dfts. Benedict and Arroyo are released on bond with conditions of release. Arraignment will be scheduled by USMJ Swartwood. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 08/26/2005)
08/25/2005	<u>6</u>	appearance Bond Entered as to Heriberto Arroyo in amount of \$ 10,000.00, (Smith3, Dianne) (Entered: 08/29/2005)
08/25/2005	<u>7</u>	Judge Judith G. Dein : ORDER entered. ORDER Setting Conditions of Release as to Heriberto Arroyo (4) 10,000.00 (Smith3, Dianne) (Entered: 08/29/2005)
09/08/2005	<u>16</u>	Arrest Warrant Returned Executed on 8/24/05 as to Heriberto Arroyo. (Jones, Sherry) (Entered: 09/08/2005)
09/14/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Case called, counsel (Vien, Ettenberg, Mullane, Fisher, Sheketoff) and defendants appear for arraignment. Defendants advised of their rights and charges. Defendants arraigned, not guilty pleas by all defendants. Thomas Vigliatura remanded to the custody of the US

		Marshal.Arrestment as to Thomas Vigliatura (1) Count 1,2,3,4-5,6 and Matthew McLaughlin (2) Count 1 and Brian Benedict (3) Count 1,2 and Heriberto Arroyo (4) Count 1,2 held on 9/14/2005 (Digital Recorder #4:08 p.m.) (Jones, Sherry) Modified on 9/15/2005 (Jones, Sherry). (Entered: 09/15/2005)
09/14/2005	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Robert L. Sheketoff appearing for Heriberto Arroyo (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	<u>19</u>	NOTICE OF HEARING as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo Initial Status Conference set for 10/31/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	<u>20</u>	Judge Charles B. Swartwood : ORDER entered. SCHEDULING ORDER as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	<u>21</u>	Judge Charles B. Swartwood : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo Time excluded from 9/14/05 until 9/28/05. (Jones, Sherry) (Entered: 09/15/2005)
09/23/2005	<u>22</u>	Second MOTION for Detention as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Attachments: # 1)(Vien, George) (Entered: 09/23/2005)
10/12/2005		Documents terminated as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: <u>22</u> Second MOTION for Detention filed by USA., [9] MOTION for Detention filed by USA. (Motions previously ruled on by Magistrate Swartwood). (Castles, Martin) (Entered: 10/12/2005)
10/26/2005	<u>30</u>	MOTION to Modify Conditions of Release as to Heriberto Arroyo. (Sheketoff, Robert) (Entered: 10/26/2005)
10/28/2005	<u>31</u>	MOTION to Continue <i>Status Conference</i> to November 14, 2005 as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Vien, George) (Entered: 10/28/2005)
11/01/2005		Judge Charles B. Swartwood : ElectronicORDER entered granting <u>31</u> Motion to Continue as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4). "ALLOWED. Further Status Conference scheduled for 11/14/2005 @ 3:15 pm (by telephone). Time is excluded." cc/cl (Roland, Lisa) (Entered: 11/01/2005)
11/01/2005		Reset Hearings as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: Status Conference set for 11/14/2005 03:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 11/01/2005)

11/02/2005	●	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>30</u> Motion to Modify Conditions of Release as to Heriberto Arroyo (4). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 11/03/2005)
11/14/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo held on 11/14/2005. Case called. Counsel (Vien, Ettenbert, Fisher, Sheketoff) appear by telephone, Counsel request additional time, Oral Motion to exclude time. Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 3:21 P.) (Roland, Lisa) (Entered: 11/15/2005)
11/14/2005	●	Oral MOTION for Excludable Delay as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo by USA. (Roland, Lisa) (Entered: 11/15/2005)
11/14/2005	● <u>33</u>	Judge Charles B. Swartwood : STATUS REPORT as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo; Status Conference set for 1/25/2006 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/15/2005)
11/14/2005	● <u>34</u>	Judge Charles B. Swartwood : ORDER of Excludable Time as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4). Time excluded from September 28, 2005 through January 23, 2006, cc/cl. (Roland, Lisa) (Entered: 11/15/2005)
12/09/2005	● <u>35</u>	BILL OF PARTICULARS as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo (Zacks, Jennifer) (Entered: 12/09/2005)
12/22/2005	● <u>36</u>	SEALED MOTION as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo by USA. (Jones, Sherry) (Entered: 12/22/2005)
12/22/2005	● <u>37</u>	Ex-Parte Finding and Endorsement of Memorandum of Lis Pendens as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo by USA. (Roland, Lisa) Additional attachment(s) added on 1/17/2006 (Roland, Lisa). (Entered: 12/22/2005)
01/11/2006	● <u>39</u>	MOTION to Unseal Document as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo by USA. (Zacks, Jennifer) (Entered: 01/11/2006)
01/17/2006	●	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>39</u> Motion to Unseal Document as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 01/17/2006)
01/20/2006	●	Motions terminated as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: [42] MOTION filed by Thomas Vigliatura.. This was filed as a motion, its an objection to a motion. (Jones, Sherry) (Entered: 01/24/2006)

01/25/2006	●	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo held on 1/25/2006. Case called, Counsel (Vien, Ettenberg, Bassil, Fisher, Sheketoff) appear by telephone, Counsel request additional time, Oral Motion to exclude time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 11:23 A.) (Roland, Lisa) (Entered: 02/06/2006)
01/25/2006	●	Oral MOTION for Excludable Delay as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Roland, Lisa) (Entered: 02/06/2006)
01/25/2006	●46	Judge Charles B. Swartwood : STATUS REPORT as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo; Status Conference set for 3/13/2006 02:00 PM in Courtroom 1 before New Magistrate Judge, cc/cl. (Roland, Lisa) (Entered: 02/06/2006)
01/25/2006	●47	Judge Charles B. Swartwood : ORDER of Excludable Time as to Thomas Vigliatura (1), Matthew McLaughlin (2), Heriberto Arroyo (4). Time excluded from January 23, 2006 through March 13, 2006, cc/cl. (Roland, Lisa) (Entered: 02/06/2006)
02/21/2006	●50	Case as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo Reassigned to Judge Timothy S. Hillman. Judge Charles B. Swartwood no longer assigned to the case. (Shattuck, Deborah) Modified on 2/27/2006 (Shattuck, Deborah). (Entered: 02/23/2006)
02/28/2006	●52	MOTION to Continue to March 16, 2006 to Hold Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Vien, George) (Entered: 02/28/2006)
03/01/2006	●	Set/Reset Hearings as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: Status Conference set for 3/13/2006 02:00 PM before Magistrate Judge Timothy S. Hillman. (Entered to correct hearing assignment from MJ Swartwood to MJ Hillman) (Hurley, Virginia) (Entered: 03/01/2006)
03/06/2006	●	Judge Timothy S. Hillman : Electronic ORDER entered granting 52 Motion to Continue Status Conference as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4) "ALLOWED." Status Conference set for 3/16/2006 03:00 PM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 03/07/2006)
03/16/2006	●	ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Thomas Vigliatura. Matthew McLaughlin, Brian Benedict, Heriberto Arroyo held on 3/16/2006. Case called, Counsel (Vien, Ettenberg, Bassil, Fisher, Sheketoff) appear by - telephone, Case as to Brian Benedict to be sent back to the District Judge, Counsel for remaining defendants request a continuance, Oral Motion to Exclude Time. Case continued, Status Report and Order on Excludable

		Time to issue. (Digital Recording 3:21 p.) (Roland, Lisa) (Entered: 03/16/2006)
03/16/2006		Oral MOTION for Excludable Delay as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Roland, Lisa) (Entered: 03/16/2006)
03/17/2006	 58	Judge Timothy S. Hillman : STATUS REPORT as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo. Status Conference set for 4/24/2006 02:30 PM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) Modified on 3/20/2006 (Jones, Sherry). (Entered: 03/18/2006)
03/17/2006	 59	Judge Timothy S. Hillman : ORDER of Excludable Time as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3), Heriberto Arroyo (4). Time Excluded from March 16, 2006 through April 24, 2006, cc/cl. (Roland, Lisa) Modified on 3/20/2006 (Jones, Sherry). (Entered: 03/18/2006)
04/24/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo held on 4/24/2006. Case called, Counsel (Vien & Sheketoff-by telephone, Ettenberg) appear, Counsel request additional time, Oral Motion to Exclude Time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:48 p.) (Roland, Lisa) (Entered: 04/24/2006)
04/24/2006		Oral MOTION for Excludable Delay as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyoby USA. (Roland, Lisa) (Entered: 04/24/2006)
04/24/2006	 72	Judge Timothy S. Hillman : STATUS REPORT as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo; Status Conference set for 5/24/2006 02:15 PM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 04/25/2006)
04/24/2006	 73	Judge Timothy S. Hillman : ORDER of Excludable Time as to Thomas Vigliatura (1), Matthew McLaughlin (2), Heriberto Arroyo (4). Time excluded from April 24, 2006 through May 24, 2006, cc/cl. (Roland, Lisa) (Entered: 04/25/2006)
05/24/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo held on 5/24/2006. Case called. Counsel (Vien, Ettenberg, Sheketoff, Bassil) appear by telephone. Counsel request that case be returned to the District Judge, Final Status Report to issue. (Digital Recording 2:20 p.) (Roland2, Lisa) (Entered: 05/25/2006)
05/26/2006	 79	Judge Timothy S. Hillman : FINAL STATUS REPORT as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo, cc/cl. (Roland, Lisa) (Entered: 05/26/2006)

05/26/2006	●	Case as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo no longer referred to Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 05/26/2006)
06/09/2006	●	ELECTRONIC NOTICE OF HEARING as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo: Pretrial Conference set for Monday 6/26/2006 at 11:30AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/09/2006)
06/14/2006	●80	MOTION to Continue <i>Assented To Motion To Continue Status Conference</i> as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Vien, George) (Entered: 06/14/2006)
06/16/2006	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>80</u> Motion to Continue as to Thomas Vigliatura (1), Matthew McLaughlin (2), Heriberto Arroyo (4) Status Conference reset for Thursday 7/13/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/20/2006)
06/21/2006	●	Terminate Deadlines and Hearings as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: (Castles, Martin) (Entered: 06/21/2006)
06/22/2006	●82	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo Time excluded from 6/26/06 until 7/13/06. (Castles, Martin) (Entered: 06/23/2006)
07/11/2006	●	NOTICE OF HEARING TIME CHANGE: Reset Hearing, TIME ONLY has been changed as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo: Status Conference TIME reset for 7/13/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 07/11/2006)
07/13/2006	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo held on 7/13/2006. Case called, counsel (Vien, Etenberg, Bassil & Sheketoff) appear. Defendant McLaughlin request a date for a change of plea, hearing for change of plea set for 9/18/06 @ 2:00 p.m. Defendants Vigliatura and Arroyo set trial date for 10/23/06 at 9:00 a.m. final pretrial conference set for 10/12/06 at 4:00 p.m. Motions In Limine, Witness and Exhibit List, Proposed Voir Dire, Proposed Verdict Form and Proposed Jury Instructions due by 10/5/06. Responses to Motions In Limine due by 10/10/06. Time to be excluded, order to issue. (Court Reporter Marianne Kusa-Ryll.) (Jones, Sherry) (Entered: 07/13/2006)
07/13/2006	●84	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo Time excluded from 7/13/06 until 10/12/06. (Jones, Sherry) (Entered: 07/13/2006)










08/16/2006	<u>92</u>	Set Hearing as to Thomas Vigliatura, Heriberto Arroyo: Jury Trial set for 10/23/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for 10/12/2006 at 4:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 08/16/2006)
09/05/2006	<u>98</u>	NOTICE OF ATTORNEY APPEARANCE Harry Matz appearing for USA. (Matz, Harry) (Entered: 09/05/2006)
10/05/2006	<u>93</u>	EXHIBIT LIST by USA as to Thomas Vigliatura, Heriberto Arroyo (Vien, George) Modified on 10/6/2006 (Jones, Sherry). (Entered: 10/05/2006)
10/05/2006	<u>94</u>	WITNESS LIST by USA as to Thomas Vigliatura, Heriberto Arroyo (Vien, George) Modified on 10/6/2006 (Jones, Sherry). (Entered: 10/05/2006)
10/05/2006	<u>95</u>	MOTION for Extension of Time to October 10, 2006 to File Trial Brief as to Thomas Vigliatura, Heriberto Arroyoby USA. (Vien, George) (Entered: 10/05/2006)
10/05/2006	<u>96</u>	MOTION for Extension of Time to October 6, 2006 to File Proposed Jury Instructions as to Thomas Vigliatura, Heriberto Arroyoby USA. (Vien, George) (Entered: 10/05/2006)
10/06/2006	<u>97</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>95</u> Motion for Extension of Time to File as to Thomas Vigliatura (1), Heriberto Arroyo (4); granting <u>96</u> Motion for Extension of Time to File as to Thomas Vigliatura (1), Heriberto Arroyo (4); granting <u>97</u> Motion for Extension of Time as to Thomas Vigliatura (1). (Castles, Martin) (Entered: 10/06/2006)
10/06/2006	<u>98</u>	Proposed Jury Instructions by USA as to Thomas Vigliatura, Heriberto Arroyo (Vien, George) (Entered: 10/06/2006)
10/09/2006	<u>99</u>	TRIAL BRIEF by USA as to Thomas Vigliatura, Heriberto Arroyo (Vien, George) (Entered: 10/09/2006)
10/11/2006	<u>103</u>	Assented to MOTION to Continue to to continue trial as to Heriberto Arroyo. (Sheketoff, Robert) (Entered: 10/11/2006)
10/11/2006	<u>104</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER CANCELLING DEADLINE as to Thomas Vigliatura, Heriberto Arroyo. Pretrial conference set for 10/12/06 is hereby cancelled. The Court will rule on the motion to continue the trial on Friday 10/14/06, after Judge Gorton holds the final pretrial conference in the case before him in trial conflict with the trial in this case. (Castles, Martin) (Entered: 10/11/2006)
10/23/2006	<u>105</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>103</u> Motion to Continue trial as to Heriberto Arroyo (4). Jury Trial reset for Monday 1/8/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Final Pretrial Conference is set for Wednesday 1/3/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV and a Status Conference is set for Friday 11/17/2006 at 3:00PM in Courtroom 2 before

		Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 10/23/2006)
11/09/2006	104	Assented to MOTION to Continue <i>Sentencing Of Brian Benedict</i> as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Vien, George) (Entered: 11/09/2006)
11/09/2006		Motions terminated as to Thomas Vigliatura, Matthew McLaughlin, Heriberto Arroyo: 104 Assented to MOTION to Continue <i>Sentencing Of Brian Benedict</i> filed by USA, (Motion is only as to defendant Benedict, not other defendants) (Castles, Martin) (Entered: 11/09/2006)
11/17/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Thomas Vigliatura, Heriberto Arroyo held on 11/17/2006, Case called, Counsel appear for status conference, Parties inform court they are set with current trial date, Court sets date of 12/20/06 for the filing of any trial pleading, Jury Trial set for 1/8/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for 1/3/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/17/2006)
11/22/2006	105	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Heriberto Arroyo Time excluded from 10/12/06 until 1/3/07. (Castles, Martin) (Entered: 11/22/2006)
12/11/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Motion Hearing as to Thomas Vigliatura held on 12/11/2006 re [107] MOTION to Withdraw as Attorney by Peter L. Ettenberg. filed by Thomas Vigliatura, Case called, Counsel and dft appear for motion hearing. Court excuses Govt from the courtroom and hears dft and counsel ex-parte, Court grants motion and refers case to Magistrate Hillman to determine if dft qualifies for CJA counsel and to appoint counsel if appropriate, Court resets Jury trial and sets a status conference; Jury Trial reset for Monday 3/19/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for 12/21/2006 at 1:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 12/11/2006)
12/20/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER CANCELLING DEADLINE as to Thomas Vigliatura, Heriberto Arroyo. Status conference set for 12/21/06 is hereby cancelled. A status conference will be set after new counsel is retained or appointed for Mr. Vigliatura. (Castles, Martin) (Entered: 12/20/2006)
01/17/2007		ELECTRONIC NOTICE OF HEARING as to Thomas Vigliatura, Heriberto Arroyo. Status Conference set for Friday 1/26/2007 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 01/17/2007)

01/26/2007	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference as to Thomas Vigliatura, Heriberto Arroyo held on 1/26/2007, Case called, Counsel appear for status conference, Dft Vigliatura moves to continue trial date of 3/19/07, Court grants request and resets trial date and sets a further status conference and final pretrial conference: Jury Trial set for Monday 6/4/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Final Pretrial Conference set for Wednesday 5/30/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for Wednesday 4/25/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Court resets date for all pretrial filings: In limine motions, voir questions, Jury instructions, trial briefs, Witness/exhibit lists, and verdict forms all due by 5/23/07, Responses to In limine motions due 5/29/07 by 5:00pm. Court orders time excluded between 1/26/07 and 4/25/07 in the interests of justice under the speedy trial act, order to issue. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 01/26/2007)
01/26/2007	● 119	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Heriberto Arroyo Time excluded from 1/26/07 until 4/25/07. (Castles, Martin) (Entered: 01/26/2007)
04/04/2007	● 121	Assented to MOTION to Continue <i>Sentencing Of Defendant Brian Benedict Until June 22, 2007</i> as to Brian Benedict by USA. (Vien, George) Modified on 4/5/2007 (Jones, Sherry). (Entered: 04/04/2007)
04/05/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered terminating <u>121</u> Motion to Continue as to Thomas Vigliatura (1), Matthew McLaughlin (2), Heriberto Arroyo (4). Motion was filed as to all dfts and should have been filed as to dft Benedict only. (Castles, Martin) (Entered: 04/05/2007)
04/25/2007	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference as to Thomas Vigliatura, Heriberto Arroyo held on 4/25/2007, Case called, Counsel appear for status conference by telephone, Parties inform court that case is on track for trial, (Trial date of 6/4/07), Court excludes time between 4/25/07 and 5/30/07 under the speedy trial act, Order to issue. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 04/25/2007)
04/27/2007	● 124	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Thomas Vigliatura, Heriberto Arroyo Time excluded from 4/25/07 until 5/30/07. (Castles, Martin) (Entered: 04/27/2007)
05/23/2007	● 126	WITNESS LIST by USA as to Heriberto Arroyo (Vien, George) Modified on 5/24/2007 (Jones, Sherry). (Entered: 05/23/2007)
05/23/2007	● 127	EXHIBIT LIST by USA as to Heriberto Arroyo (Vien, George) Modified on 5/24/2007 (Jones, Sherry). (Entered: 05/23/2007)

05/23/2007	<u>128</u>	Proposed Jury Instructions by USA as to Heriberto Arroyo (Vien, George) Modified on 5/24/2007 (Jones, Sherry). (Entered: 05/23/2007)
05/30/2007		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Pretrial Conference as to Heriberto Arroyo held on 5/30/2007. Case called. Counsel appear by telephone for final pretrial conference, Court and counsel discuss trial length, voir dire and empanelment process. Trial is to proceed as scheduled on Monday 6/4/07 at 9:00AM. (Court Reporter M. Kusa-Ryll.)(Castles, Martin) (Entered: 05/30/2007)
06/04/2007		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Voir Dire begun on 6/4/2007 Heriberto Arroyo (4) on Count 1,2, Jury Selection as to Heriberto Arroyo held on 6/4/2007, Case called, Counsel and dft appear for jury selection and jury trial day 1, Court holds voir dire of jury pool, Court holds jury selection with counsel, 12 jurors and 2 alternates are empaneled, Jury Trial continued to Tuesday 6/5/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.)(Castles, Martin) (Entered: 06/04/2007)
06/04/2007	<u>130</u>	MOTION for Order requiring witness to testify as to Heriberto Arroyoby USA. (Hassett, Kathy) (Entered: 06/04/2007)
06/04/2007	<u>131</u>	MOTION for Order requiring witness to testify as to Heriberto Arroyoby USA. (Hassett, Kathy) (Entered: 06/04/2007)
06/04/2007	<u>132</u>	MOTION for Order requiring witness to testify as to Heriberto Arroyoby USA. (Hassett, Kathy) (Entered: 06/04/2007)
06/04/2007	<u>133</u>	Judge F. Dennis Saylor IV: ORDER entered granting <u>130</u> Motion for Order as to Heriberto Arroyo (4) (Hassett, Kathy) (Entered: 06/04/2007)
06/04/2007	<u>134</u>	Judge F. Dennis Saylor IV: ORDER entered granting <u>131</u> Motion for Order as to Heriberto Arroyo (4) (Hassett, Kathy) (Entered: 06/04/2007)
06/04/2007	<u>135</u>	Judge F. Dennis Saylor IV: ORDER entered granting <u>132</u> Motion for Order as to Heriberto Arroyo (4) (Hassett, Kathy) (Entered: 06/04/2007)
06/05/2007		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Heriberto Arroyo held on 6/5/2007, Case called, Counsel and dft appear for jury trial day 2, Govt's opening statement given, Dft's opening statement given, Govt's case commences with testimony of witnesses, Jury Trial Continued to 6/6/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.)(Castles, Martin) (Entered: 06/05/2007)
06/06/2007		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Heriberto Arroyo held on 6/6/2007, Case called. Counsel and dft appear for jury trial day 3, Govt's case continues with testimony of witnesses, Court excuses jury for the day and holds a hearing with counsel and co-dft Vigliatura re: compulsion order. Court informs co-dft Vigliatura of his rights and obligations under said order. Court holds charge conference with govt and counsel, Jury Trial continued to

		Thursday 6/7/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.)(Castles, Martin) (Entered: 06/06/2007)
06/06/2007	<u>136</u>	Government's <i>Second Revised Exhibit List</i> by USA as to Heriberto Arroyo (Vien, George) Modified on 6/7/2007 (Jones, Sherry). (Entered: 06/06/2007)
06/07/2007	<u>137</u>	Defendant's MOTION for Judgment of Acquittal as to Heriberto Arroyo. (Jones, Sherry) (Entered: 06/07/2007)
06/07/2007	<u>137</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered denying <u>137</u> Motion for Acquittal as to Heriberto Arroyo (4), for the reasons stated in open court this date. (Castles, Martin) (Entered: 06/07/2007)
06/07/2007	<u>138</u>	WITNESS LIST by Heriberto Arroyo. (Jones, Sherry) (Entered: 06/07/2007)
06/07/2007	<u>139</u>	EXHIBIT LIST as to Heriberto Arroyo. (Jones, Sherry) (Entered: 06/07/2007)
06/07/2007	<u>140</u>	JURY VERDICT as to Heriberto Arroyo (4) Guilty on Count 2, Heriberto Arroyo (4) Guilty of Lesser Offense Count 1. (Jones, Sherry) (Entered: 06/07/2007)
06/07/2007	<u>141</u>	Jury Instructions as to Heriberto Arroyo. (Jones, Sherry) (Entered: 06/07/2007)
06/07/2007	<u>141</u>	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Heriberto Arroyo held on 6/7/2007, Case called, Counsel and dft appear for jury trial day 4, Govt rests, Dft rests. Closing arguments of Govt, Closing arguments of dft, Rebuttal of Govt, Court gives jury charge, Jury deliberations commence at 11:30AM, Jury returns verdict of GUILTY to a lesser offense on count 1 and GUILTY as to count 2, Jurors excused with the thanks of the court, Court releases dft on current conditions of release, Court sets sentencing: Sentencing set for 8/30/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Procedural order re sentencing to issue.(Court Reporter Carol Carpentier (Real Time Court Reporting))(Castles, Martin) (Entered: 06/07/2007)
06/07/2007	<u>142</u>	Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Heriberto Arroyo Sentencing set for 8/30/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/07/2007)
06/12/2007	<u>143</u>	EXCERPT TRANSCRIPT of Jury Trial Day Two as to Heriberto Arroyo held on June 5, 2007 before Judge Saylor. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/929-3399 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/12/2007)

06/13/2007	 <u>144</u>	MOTION for Hearing <i>Status Conference</i> as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyoby USA. (Vien, George) (Entered: 06/13/2007)
06/18/2007	 <u>145</u>	EXCERPT TRANSCRIPT of Jury Trial Day Two (Testimony of John Saari) as to Heriberto Arroyo held on June 5, 2007 before Judge Saylor. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/929-3399 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/18/2007)
06/21/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered finding as moot <u>144</u> Motion for Hearing as to Thomas Vigliatura (1), Matthew McLaughlin (2), Brian Benedict (3) and granting [146] Motion to Continue as to Matthew McLaughlin (2), and Brian Benedict (3). (Castles, Martin) (Entered: 06/21/2007)
06/21/2007		ELECTRONIC NOTICE OF HEARING as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, and Heriberto Arroyo. Evidentiary Hearing re sentencings set for Thursday 7/26/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/21/2007)
06/21/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered finding as moot <u>144</u> Motion for Hearing as to Heriberto Arroyo (4). (Castles, Martin) (Entered: 06/21/2007)
07/02/2007	 <u>147</u>	EXCERPT TRANSCRIPT of Jury Trial as to Heriberto Arroyo held on June 7, 2007 before Judge Saylor. Court Reporter: Carol A. Carpenter. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/767-1157 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/02/2007)
07/09/2007	 <u>149</u>	EXCERPT TRANSCRIPT of Jury Trial Day Three (Testimony of Sarah DiMeco, Dawn Lemovitz and Brian Benedict as to Heriberto Arroyo held on June 6, 207 before Judge Saylor. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/929-3399 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/09/2007)
07/09/2007	 <u>150</u>	TRANSCRIPT of Hearing as to Heriberto Arroyo held on June 6, 2007 before Judge Saylor. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/929-3399 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/09/2007)
07/19/2007		Terminate Hearings as to Thomas Vigliatura, Matthew McLaughlin, Brian Benedict, Heriberto Arroyo: Evidentiary hearing set for 7/26/07 is hereby cancelled. (Castles, Martin) (Entered: 07/19/2007)

07/30/2007	<u>158</u>	TRANSCRIPT of Bench Trial as to Heriberto Arroyo held on June 7, 2007 before Judge Saylor. Court Reporter: Carol Carpenter. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/767-1157 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/30/2007)
08/29/2007	<u>174</u>	SENTENCING MEMORANDUM by USA as to Heriberto Arroyo (Vien, George) (Entered: 08/29/2007)
08/29/2007	<u>175</u>	Memorandum regarding sentencing as to Heriberto Arroyo (Sheketoff, Robert) (Entered: 08/29/2007)
08/30/2007		Electronic Clerk Notes for proceedings held before Judge F. Dennis Saylor IV: Sentencing held on 8/30/2007 for Heriberto Arroyo (4), Count(s) 1, 2, Case called, Counsel and dft appear for sentencing, The Court sentences the dft as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 9 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 1 year. The defendant shall pay to the United States a fine in the amount of \$2000.00 and a special assessment of \$50.00. The dft shall self surrender to the BOP facility designated by 9/27/07. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 08/30/2007)
09/10/2007	<u>177</u>	Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT as to Heriberto Arroyo (4), Count(s) 1, 2, The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 9 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 1 year. The defendant shall pay to the United States a fine in the amount of \$2000.00 and a special assessment of \$50.00. (Castles, Martin) (Entered: 09/10/2007)
09/10/2007	<u>178</u>	NOTICE OF APPEAL by Heriberto Arroyo NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/1/2007. (Sheketoff, Robert) (Entered: 09/10/2007)

I hereby certify on 9-11-07 that the foregoing document is true and correct copy of the

☒ electronic docket in the captioned case

☐ electronically filed original filed on _____

☐ original filed in my office on _____

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

Sarah A. Thornton
Clerk